



[REDACTED]
Federal Communications Commission
Washington, D.C. 20554

SEP 20 1995

EX PARTE OR LATE FILED

Marc S. Martin, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, DC 20005-2107

Dear Mr. Martin:

This is in response to your letter of September 18, 1995, requesting that the Office of Engineering and Technology (OET) grant Celsat America, Inc. (Celsat) an extension of time of thirty days to file an amendment to its pending pioneer's preference request (PP-28 in RM-7927).

In ET Docket No. 93-266, in the Second Report and Order, 10 FCC Rcd 4523 (1995), and in the Third Report and Order, 60 Fed. Reg. 32116 (June 20, 1995), the Commission stated that new pioneer's preference rules adopted in those two decisions will apply to all pending pioneer's preference requests, except in proceedings in which Tentative Decisions have been issued. In the Third Report and Order, the Commission required that pending pioneer's preference applicants amend their pending requests by September 20, 1995, to come into compliance with the new rules.

As you note, in response to the Third Report and Order Celsat filed a petition for reconsideration in which it contended that the Commission should not apply some of the new pioneer's preference requirements, adopted pursuant to Section 309(j)(13)(D) of the Communications Act, 47 U.S.C. § 309(j)(13)(D), to applicants such as Celsat, whose requests had been accepted for filing on or before September 1, 1994. You state that it would be appropriate for OET to grant Celsat an extension of time to file its amendment because it is affected by the new pioneer's preference requirements that are the subject of its timely-filed petition for reconsideration.

Because Commission action remains pending on Celsat's petition for reconsideration, we concur that there is good cause for a brief extension of time for Celsat to supplement its pioneer's preference request in accordance with the Third Report and Order. Accordingly, the filing date for Celsat to amend its pending request to come into compliance with the new pioneer's preference rules IS EXTENDED until October 20, 1995.

1919 M & L, rm 222

RM-7927

95-18

RECEIVED

SEP 21 1995


FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

This action is taken pursuant to Sections 0.31 and 0.241 of the Commission's Rules,
47 C.F.R. §§ 0.31 and 0.241.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Franca".

 Richard M. Smith
Chief
Office of Engineering and Technology

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107

FAX (202) 393-5760

(202) 371-7000

DIRECT DIAL
(202) 371-

BOSTON
CHICAGO
LOS ANGELES
NEW YORK
SAN FRANCISCO
WILMINGTON

BEIJING
BRUSSELS
BUDAPEST
FRANKFURT
HONG KONG
LONDON
MOSCOW
PARIS
PRAGUE
SYDNEY
TOKYO
TORONTO

September 18, 1995

VIA FACSIMILE AND HAND DELIVERY

Richard M. Smith
Chief, Office of Engineering
and Technology
Federal Communications Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

Re: Pending Pioneer's Preference Request of Celsat
America, Inc.

Dear Mr. Smith:

For the reasons described below, Celsat America, Inc. ("Celsat"), by its attorneys, hereby requests that the Office of Engineering and Technology ("Office") grant Celsat an extension of time of thirty days to file an amendment to its pending pioneer's preference request (PP-28).

Recently, Congress required that the Commission apply new pioneer's preference rules to all pending pioneer's preference requests except those which were accepted for filing on or before September 1, 1994. Celsat's pioneer's preference request was accepted for filing on March 9, 1992. In the Third Report and Order in ET Docket No. 93-266, 60 Fed. Reg. 32116 (June 20, 1995), the Commission required that the new legislatively mandated pioneer's preference rules will apply to all pending pioneer's preference requests, including requests like Celsat's that were accepted for filing prior to September 1, 1994. In addition, the Third Report and Order required that all pending applicants must file amended applications by September 20, 1995. Third Report and Order, Slip. op. at para. 22. In response to the Third Report and Order, Celsat filed a petition for reconsideration in which it contended that the Commission should not apply the new legislatively mandated pioneer's preference requirements to applicants such as Celsat, and also requested that the Commission defer the

Richard M. Smith
September 18, 1995
Page 2

application deadline for pioneer's preference requests accepted for filing prior to September 1, 1995. The Commission has not yet formally responded to Celsat's petition for reconsideration.

Celsat notes that it would be appropriate for the Office to grant Celsat an extension of time (without prejudice to the merits of Celsat's petition for reconsideration) because it is the only party affected by the new requirements that protected its rights by timely filing a petition for reconsideration. Accordingly, because the deadline for amended pioneer's preference applicants is nearing, Celsat respectfully submits that the Office has good cause to grant Celsat's request.

If you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc S. Martih".

Marc S. Martih
Counsel for Celsat America, Inc.

cc: Rodney Small
Peter Tenhula
David Otten
Thomas J. Casey, Esq.